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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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OFFICE ACTION
WITH REPLY FOR THE APPLICANT
FEDERAL BUREAU OF INVESTIGATION
800 ATLANTIC AVENUE
ROSTON, MA 01968-0001

EXAMINER

ART UNIT	PAPER NUMBER
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12

DATE MAILED:

11/13/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 9-5-96

☒ This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-39 is/are pending in the application.

Of the above, claim(s) 14-18, 21, and 22 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 13, 19, 20, and 23-39 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All ☐ Some* ☐ None ☐ of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____

received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of Reference Cited: PTO-892

☒ Information Disclosure Statement(s): PTO-1449 Paper No(s) 9

Interview Summary: PTO-413

Notice of Draftsperson's Patent Drawing Review: PTO-948

Notice of Informal Patent Application: PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

29 September 1995

15. This application contains claims directed to the following patentably distinct agent species of
5 the claimed invention.

Species A - soluble P-selectin, a glycoprotein, protein, or peptide inhibitor of P-selectin (that is not an
antibody), and a protein, or peptide inhibitor of an inhibitor of P-selectin (that is not an
antibody), (claims 13, 14, 17, 18, 21, 22)

Species B - an antibody to P-selectin and to an inhibitor of P-selectin (claims 14-16)

10 Species C - an inhibitory carbohydrate (claims 19, 20)

Species D - an inhibitory sulfatide (claim 23)

Species E - an analog of P-selectin and an analog of an inhibitor of P-selectin (claim 24)

The species are distinct from each other because they are made by different methods, have
different structures, and have distinct functional properties. For example, the glycolipid sulfatide is
15 not a protein, and has a different physical structure and different functional properties from a protein
such as accessibility and stability. Thus, it is apparent that the species are distinct. Applicants are
required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to
which the claims shall be restricted if no generic claim is finally held to be allowable. Currently,
claims 1-12 and 25-38 are generic.

20 16. Applicants are advised that a response to this requirement must include an identification of the
species that is elected consonant with this requirement, and a listing of all claims readable thereon,
including any claims subsequently added. An argument that a claim is allowable or that all claims are
generic is considered nonresponsive unless accompanied by an election.

25 Upon the allowance of a generic claim, applicants will be entitled to consideration of claims to
additional species which are written in dependent form or otherwise include all the limitations of an
allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added after the election,
applicants must indicate which are readable upon the elected species. M.P.E.P. § 809.02(a).

30 17. Should applicants traverse on the ground that the species are not patentably distinct, applicants
should submit evidence or identify such evidence now of record showing the species to be obvious

variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.

5 **18.** Applicants are advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

10 **19.** Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently
15 named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

20 **20.** Papers related to this application may be submitted to Group 1800 by facsimile transmission.
25 The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The appropriate Group 1800 facsimile telephone numbers for this art unit are (703) 305-7362 and (703) 305-7401.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Dr. Krikorian whose telephone number is (703) 308-3964. Dr. Krikorian may
30 normally be reached from 8:30 AM to 4:00 PM, Monday through Thursday and on alternate Fridays. If attempts to reach the Examiner by telephone are unsuccessful, Supervisory Patent Examiner Margaret Moskowitz Parr may be reached at (703) 308-2454.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1800 receptionist whose telephone number is (703) 308-0196.

30 J. G. Krikorian, Ph.D.
Patent Examiner
U.S. Patent and Trademark Office

J. G. Krikorian
JACQUELINE G. KRUKORIAN
PATENT EXAMINER
GROUP 1800